

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re FRANK J. FERNANDEZ,  
Plaintiff.

No. C 11-4070 CRB (PR)  
ORDER OF DISMISSAL

On August 19, 2011, the clerk filed as a new prisoner action a motion by plaintiff seeking a court order directing prison officials to photocopy his legal materials. On that same date, the court notified plaintiff in writing that the action was deficient because he did not file an actual complaint or pay the requisite \$350.00 filing fee or, instead, submit a signed and completed court-approved in forma pauperis application. Plaintiff was advised that failure to file the requested items within 30 days would result in dismissal of the action.

More than 40 days have elapsed; however, plaintiff has not provided the court with the requisite items, or sought an extension of time to do so. The action is DISMISSED without prejudice.

The clerk shall close the file and terminate all pending motions as moot.

SO ORDERED.

DATED: Sept. 30, 2011

  
CHARLES R. BREYER  
United States District Judge